

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC 13M-19  
09789

|                                                                                                           |   |                            |
|-----------------------------------------------------------------------------------------------------------|---|----------------------------|
| In the Matter of                                                                                          | ) | EB Docket No. 11-71        |
|                                                                                                           | ) |                            |
| <b>MARITIME COMMUNICATIONS/LAND<br/>MOBILE, LLC</b>                                                       | ) | File No. EB-09-IH-1751     |
|                                                                                                           | ) | FRN: 0013587779            |
|                                                                                                           | ) |                            |
| Participant in Auction No. 61 and Licensee of<br>Various Authorizations in the Wireless Radio<br>Services | ) |                            |
|                                                                                                           | ) |                            |
| Applicant for Modification of Various<br>Authorizations in the Wireless Radio Services                    | ) | Application File Nos.      |
|                                                                                                           | ) | 0004030479, 0004144435,    |
|                                                                                                           | ) | 0004193028, 0004193328,    |
|                                                                                                           | ) | 0004354053, 0004309872,    |
| Applicant with <b>ENCANA OIL AND GAS (USA),</b>                                                           | ) | 0004310060, 0004314903,    |
| <b>INC.; DUQUESNE LIGHT COMPANY, DCP</b>                                                                  | ) | 0004315013, 0004430505,    |
| <b>MIDSTREAM, LP; JACKSON COUNTY</b>                                                                      | ) | 0004417199, 0004419431,    |
| <b>RURAL MEMBERSHIP ELECTRIC</b>                                                                          | ) | 0004422320, 0004422329,    |
| <b>COOPERATIVE; PUGET SOUND ENERGY,</b>                                                                   | ) | 0004507921, 0004153701,    |
| <b>INC.; ENBRIDGE ENERGY COMPANY,</b>                                                                     | ) | 0004526264, and 0004604962 |
| <b>INC.; INTERSTATE POWER AND LIGHT</b>                                                                   | ) |                            |
| <b>COMPANY; WISCONSIN POWER AND</b>                                                                       | ) |                            |
| <b>LIGHT COMPANY; DIXIE ELECTRIC</b>                                                                      | ) |                            |
| <b>MEMBERSHIP CORPORATION, INC.;</b>                                                                      | ) |                            |
| <b>ATLAS PIPELINE-MID CONTINENT, LLC;</b>                                                                 | ) |                            |
| <b>AND SOUTHERN; CALIFORNIA REGIONAL</b>                                                                  | ) |                            |
| <b>RAIL AUTHORITY</b>                                                                                     | ) |                            |
|                                                                                                           | ) |                            |
| For Commission Consent to the Assignment of<br>Various Authorizations in the Wireless Radio<br>Service    | ) |                            |

**ORDER**

**Issued: October 25, 2013**

**Released: October 25, 2013**

*Order*, FCC 13M-18, released by the Presiding Judge on September 20, 2013, adopted a schedule of procedural dates for this case in preparation for a formal hearing. On October 18, 2013, Mr. Havens submitted a Motion to Amend Schedule Due to Government Shutdown and Other Good Cause ("Motion"), which requests that the deadline for substantive motions previously set in the *Order* for October 31, 2013, be delayed for 30 days. Mr. Havens further requests that the remaining deadlines no longer be set as dates certain, but be replaced by

specified time intervals, to be calculated from the date of the Presiding Judge's ruling on the parties' substantive motions.

Mr. Havens' Motion states that the recent lapse in federal appropriations for 16 days ("shutdown") temporarily suspended public access to the Agency's online databases, the Electronic Document Filing System and the Universal Licensing System. Mr. Havens' Motion states that this suspension of service prevented him or his prospective attorneys from accessing docket pleadings and orders in this case. The Motion also states that the shutdown has delayed his work on a number of separate matters involving the Commission which are also subject to pending deadlines. On October 21, 2013, the Enforcement Bureau ("Bureau") and Maritime Communications/Land Mobile, LLC ("Maritime") submitted their Joint Response to Motion to Amend Schedule. The response states that during the shutdown, Bureau staff were unavailable to continue their ongoing negotiations with the other parties concerning a possible resolution of Issue G. Thus, the Bureau and Maritime support Mr. Havens' Motion to Amend the Schedule.

It is reasonable to adjust the schedule by 30 days as requested by each of the parties. The shutdown should not be permitted to cause any undue burden on the parties. However, the shutdown and its effects on the parties do not necessitate further adjustments to the schedule to remove dates certain for the procedural deadlines that fall after the Presiding Judge's ruling on substantive motions. Maintaining specified dates in the schedule will provide all of the parties and the Presiding Judge with certainty and help ensure that the parties remain focused on necessary tasks, so that this proceeding continues to move forward. If a specific need arises for a reasonable delay in the schedule, the Presiding Judge will consider requests by the parties to toll deadlines. In any event, the Presiding Judge intends to rule swiftly on any substantive motions once responses are received and considered, so no further delays should be anticipated at this time unless ordered by the Presiding Judge or by the Commission.

### *Rulings*

Accordingly, IT IS ORDERED that the schedule previously adopted by *Order*, FCC 13M-18, BE AMENDED setting all procedural dates approximately thirty days later than previously scheduled, as specifically reflected below.

### **Procedural Dates**


|                          |                                                                                                                                 |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <b>December 2, 2013</b>  | Substantive Motions regarding matters relating to Issue G                                                                       |
| <b>December 16, 2013</b> | Response to Substantive Motions matters that are filed on December 2                                                            |
| <b>February 7, 2014</b>  | Direct Case document exhibits, deposition designations and written direct testimony to be exchanged by 12:00 noon. <sup>1</sup> |

---

<sup>1</sup> Hearing exhibits must be received by all parties and the Presiding Judge not later than this date. Exhibits are to be serially numbered and assembled in binders. The name of the party introducing the exhibits must be shown on each exhibit (e.g., Maritime Exh. 1 ). All pages within each exhibit must be consecutively numbered and internal numbering by hand is accepted. Tabbed dividers indicating exhibit numbers shall be used. If Official Notice of

|                          |                                                                                                                                |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>February 21, 2014</b> | Witness Notification for Cross Examination – exchange of witness lists                                                         |
| <b>March 7, 2014</b>     | Objections to Witnesses for Cross Examination – exchange of witness lists                                                      |
| <b>March 25, 2014</b>    | Objections filed to Direct Case exhibits and/or testimony <sup>2</sup>                                                         |
| <b>March 28, 2014</b>    | Response filed to Objections to Direct Case exhibits and/or testimony                                                          |
| <b>April 1, 2014</b>     | Evidence Admission Session - Presiding Judge to Rule on any unresolved Exhibit Objections <sup>3</sup>                         |
| <b>April 24, 2014</b>    | Trial Briefs of EB, Maritime, Havens to be exchanged                                                                           |
| <b>May 13, 2014</b>      | Hearing Commences at 10:00 a.m. <sup>4</sup> Thereafter, hearing days begin at 9:30 a.m. unless ordered otherwise <sup>5</sup> |

FEDERAL COMMUNICATIONS COMMISSION<sup>6</sup>

  
 Richard L. Sippel  
 Chief Administrative Law Judge

---

documents is expected to be requested, each document must be separately assembled, identified by source, given an exhibit number (*e.g.*, Notice Exh. \_\_\_\_\_) and exchanged on the date set. Index with descriptive title of each footnote exhibit, number of pages in each exhibit, and identification of any sponsoring witness(es) for each exhibit shall be included.

<sup>2</sup> Written direct testimony must be received by all parties and the Presiding Judge not later than this date and must adhere to the guidelines for the treatment of hearing exhibits prescribed in footnote 1, *supra*. The numbering of the written direct testimony must sequentially follow that of the document exhibits.

<sup>3</sup> If objections cannot be resolved at the Evidence Admission Session (*i.e.* need arises for live authentication testimony), they will be resolved on the first day of hearing in which case authentication witnesses must be in the courtroom or in the adjoining witness room.

<sup>4</sup> Each party has the option to conduct brief direct examination of its witnesses for introduction, to address or clarify any fact issue raised for the first time in an opposing party's written direct testimony, and to briefly summarize the witness's written direct testimony before the witness is proffered for cross-examination.

<sup>5</sup> Witnesses can expect one 15 minute break in the a.m. and one in the p.m. Except where witness cross-examination can be completed by a reasonable later time, the hearing day ends at 5:00 p.m.

<sup>6</sup> Courtesy copies of this *Order* are e-mailed on issuance to each counsel.